

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Constantino Najera-Diaz,)	No. CV-15-01360-PHX-SPL (ESW)
)	
Petitioner,)	ORDER
vs.)	
)	
Loretta E. Lynch, et al.,)	
)	
Respondents.)	

On July 17, 2015, Petitioner Constantino Najera-Diaz, through counsel, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 1). On October 21, 2015, Respondents filed a notice indicating that the Department of Homeland Security had released Petitioner from custody on October 14, 2015, and that this case was therefore moot. (Doc. 15.) Petitioner then moved to dismiss this case on that basis. (Doc. 17.) United States Magistrate Judge Eileen S. Willet has issued a Report and Recommendation (“R&R”) recommending that the Court grant Petitioner’s motion and dismiss the petition. (Doc. 18.)

Judge Willet advised the parties that they had fourteen (14) days to file objections to the R&R. (Doc. 18 at 2, citing Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).) However, having reviewed the record de novo, and finding both parties have asked that this case be disposed of for the very same reason, the Court will adopt the R&R without further delay and dismiss the petition as moot. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole

1 or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P.
2 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition;
3 receive further evidence; or return the matter to the magistrate judge with instructions.”).

4 Accordingly,

5 **IT IS ORDERED:**


6 1. That Magistrate Judge Eileen S. Willet’s Report and Recommendation
7 (Doc. 18) is **accepted** and **adopted** by the Court;

8 2. That the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241
9 (Doc. 1) and this action are **dismissed as moot**;

10 3. That a certificate of appealability and leave to proceed *in forma pauperis* on
11 appeal are **denied**; and

12 4. That the Clerk of Court shall **terminate** this action.

13 Dated this 29th day of January, 2016.

14 
15 Honorable Steven P. Logan
16 United States District Judge
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